

**REMARKS/ARGUMENTS**

Applicants' counsel wishes to thank the Examiner for discussing the application with Applicants' counsel on March 13, 2003. Although no agreement on allowable subject matter was reached during this telephone conferral, Applicants' counsel gained a more clear appreciation of the Examiner's position.

In the specification, the paragraph beginning at page 14, line 16, has been amended to correct a minor editorial error.

Formal drawings are hereby concurrently filed with this Response.

This Amendment is submitted in response to the Office Action mailed December 17, 2002. The applicants appreciate the acknowledgement in the Office Action that method claims 31 and 32 are directed to allowable subject matter.

**Rejection under 35 U.S.C. 102(b)**

In the Office Action of December 17, 2002, claims 1-3, 5-6, 8, 11-12, 16-17, 19-21, 23-24, and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Brucker et al. (U.S. Patent No. 5,462,521). This rejection is respectfully traversed. The rejected independent apparatus claims 1 and 30 have both been amended to provide structure that is not disclosed in Brucker.

Claim 1 of the present invention, as currently amended, claims a medical catheter having a drug delivery segment having a longitudinal axis and a length of about 0.1-1.0 cm along its longitudinal axis, and having an outside surface and an inside surface, the outside surface being

substantially annularly grooveless, the drug delivery segment defining tubes, each tube having a diameter and a length that extends radially from the inside surface to the outside surface, wherein a ratio of the length of the tubes extending between the inside surface and the outside surface to the diameter of the tubes is about 5-25, the drug delivery segment providing fluid containing a therapeutic drug to a target site at a rate of about 2 microliter/hour to 10 microliters/minute with substantially equal fluid flow through each of the tubes.

Brucker teaches an ablation catheter that is electrically conductive. Figure 9 of Brucker, relied upon in the Office Action, shows a tip structure with an exterior surface 50 having annular grooves 58. Thus, Brucker has a different structure than in claim 1 of the present invention as currently amended. Thus, it is respectfully submitted that claim 1, as currently amended, is not anticipated by the structure shown in Figure 9 of Brucker.

Claim 30 is currently amended to include the same structural difference as claim 1. Thus, it is respectfully submitted that independent claim 30 is not anticipated by Figure 9 of Brucker.

Similarly, Brucker also does not teach the dependent claims 2-3, 5-6, 8, 11, 16-17, 19-21 and 23-24.

In view of the foregoing, the applicants respectfully request that the rejection under 35 U.S.C. 102(b) be withdrawn.

Rejection under 35 U.S.C. 103(a)

In the Office Action of December 17, 2002, claims 4, 7, 9-10, 12-15, 18, 25-27 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brucker et al. (U.S. Patent No. 5,462,521). This rejection is respectfully traversed.

For the above reasons that the rejection under 35 U.S.C. 102(b) should be withdrawn, so should the rejection under 35 U.S.C. 103(a) based on Brucker.

Independent method claim 25 is currently amended to include the step of forming the same structural difference as in apparatus claim 1. Thus, it is respectfully submitted that independent claim 25 is not anticipated by Figure 9 of Brucker.

Similarly, Brucker also does not teach the dependent claims 4, 7, 9-10, 12-15, 18, 26-27 and 29.

In view of the foregoing, the applicants respectfully request that the rejection under 35 U.S.C. 103(a) based on Brucker be withdrawn.

In the Office Action of December 17, 2002, claims 22 and 28 were rejected 35 U.S.C. 103(a) as being unpatentable over Brucker et al. (U.S. Patent No. 5,462,521) in view of Lindsay et al. (U.S. Patent No. 4,863,441). This rejection is respectfully traversed.

For the above reasons that the rejection under 35 U.S.C. 102(b) and the rejection under 35 U.S.C. 103(a) based solely on Brucker should be withdrawn, so should the rejection under 35 U.S.C. 103(a) based on Brucker and Lindsay should be withdrawn.

Incorporating the teaching of chamfered (tapered) ports or tubes of Lindsay into Fig. 9 of Brucker would not result in the claimed invention because the structure of Brucker would still have annular grooves 58. Thus, Lindsay does not satisfy the deficiencies in Brucker. Even if the proposed combination is proper, the combination does not result in the claimed invention.

There is also no teaching or suggestion to combine Brucker with Lindsay. Indeed, Brucker is directed to an ablation catheter that is electrically conductive, and having channels 56 and 58 designed to communicate with path means 54 to provide a continuous, evenly distributed

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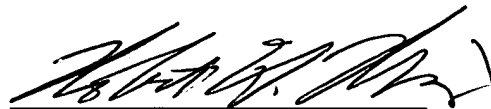
fluid protective layer over substantially the entire exterior surface 50 of metallic tip structure 26. See Col. 6, lines 24-27 of Brucker. On the other hand, Lindsay is directed to a venous return catheter for drainage of blood during a bypass operation, not for delivery of a fluid protective layer over the entire exterior surface of a catheter tip as in Brucker. Further, Lindsay has a soft end portion 40, not the solid metallic tip structure 26 as in Figure 9 of Brucker. Since Brucker teaches a solid metallic tip 26 in Figure 9 there is not the same need in Brucker to provide resistance to kinking as there is for the soft end portion in Lindsay.

#### Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued for this application. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,  
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